IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

RONALD TUSSEY, ET AL.,)
Plaintiffs,)
vs.) Case No. 2:06-CV-04305-NKL
ABB, INC., ET AL.,)
Defendants.)

JUDGMENT IN A CIVIL CASE

- ____ Jury Verdict. This action came before the Court for a trial by jury.
- X Decision by Court. This action came to trial or hearing before the Court.

 The issues have been determined and a decision has been made.

IT IS ORDERED AND ADJUDGED that pursuant to the Order entered by the Honorable Nanette Laughrey on March 31, 2012, the Court rules as follows:

ABB Defendants violated their fiduciary duties to the Plan and its participants when they failed to monitor record keeping costs and negotiate for rebates from Fidelity Trust, and selected classes of particular investments to be on the PRISM Plan's investment platform that had higher expenses when other share classes with lower expenses of those same investments were available, and removed the Vanguard Wellington Fund, and replacing it with the Fidelity Freedom Funds. ABB, Inc. also violated its fiduciary duties to the Plan when it continued to pay to Fidelity an amount that exceeded market costs for Plan services in order to subsidize ABB's corporate

services. Fidelity Trust breached its fiduciary duties by failing to distribute float income solely for the interest of the Plan. Fidelity Research violated its fiduciary duties when it transferred float income to the Plan's investment options instead of the Plan.

ABB Defendants are jointly and severally liable for \$ 13.4 million lost by the Plan due to ABB's failure to monitor recordkeeping fees and negotiate for rebates, and \$21.8 million lost by the Plan due to the mapping of the Vanguard Wellington Fund to the Fidelity Freedom Funds. Fidelity Defendants are jointly and severally liable for compensating the Plan \$1.7 million for lost float income.

The parties are ordered to submit a schedule for resolving the issue of attorney fees and any other remaining issues.

Dated: March 31, 2012 ANN THOMPSON

Clerk

s/ RENEA KANIES

By: Renea Kanies, Courtroom Deputy